

## Remarks

### Summary of the Office Action

Claims 31-40 were pending in the application.

Claims 31-40 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-5 of Milnes et al. U.S. Patent 6,118,492 (hereinafter "Milnes").

Claims 31 and 35 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lett et al U.S. Patent 5,592,551 (hereinafter "Lett").

Claim 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lett in view of Aristides et al. U.S. Patent 5,657,072 (hereinafter "Aristides").

Claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lett in view of Aristides in further view of Hamilton et al. U.S. Patent 5,579,055 (hereinafter "Hamilton").

Claims 36 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lett in view of Marshall et al. U.S. Patent 5,502,502 (hereinafter "Marshall").

Claim 38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lett in view of Marshall in further view of Aristides.

Claim 39 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lett in view of Marshall, in view of Aristides, in further view of Hamilton.

Claims 32 and 37 were objected to as being dependent upon rejected base claims, but would be allowable if rewritten in suitable independent form.

### Summary of Applicants' Reply

Applicants note with appreciation the indication of allowable subject matter in claims 32 and 37. Applicants expressly reserve the right to rewrite

claims 32 and 37 in independent form should the base claims ultimately not be allowed.

Applicants have amended claims 31, 32, 35, and 36 and have added claims 41-50 to more particularly define the invention. No new matter has been added and the amendments and new claims are fully supported and justified by the specification.

Applicants submit herewith a Terminal Disclaimer Under 37 C.F.R. §1.321(b,c), disclaiming the terminal portion of any patent issuing on this application beyond the expiration of the full statutory term of Milnes.

Reconsideration of this application in light of the following remarks is hereby respectfully requested.

Applicants' Reply To The  
Double Patenting Rejections

The Examiner has rejected claims 31-40 under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of Milnes.

Applicants submit herewith a Terminal Disclaimer Under 37 C.F.R. §1.321(b,c), disclaiming the terminal portion of the term of any patent to be issued on the present application beyond the expiration of the full statutory term of Milnes, and requiring that any patent issuing on the present application be commonly-owned with Milnes.

A check in the amount of \$130.00, in payment of the fee set forth in 37 C.F.R. §1.20(d), is enclosed herewith.

Accordingly, applicants respectfully submit that these rejections should be withdrawn.

Applicants' Reply to the  
Rejection of Claims 31 and 33-35

Claims 31 and 35 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lett.

Claim 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lett in view of Aristides.

Claim 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lett in view of Aristides in further view of Hamilton.

These rejections are respectfully traversed.

Applicants' invention, as defined by amended independent claim 31, is directed towards a method of operating a schedule guide system in which a plurality of cells listing a portion of a schedule guide is displayed. In the schedule guide, the portions of cells corresponding to portions of current television shows in play are displayed with one visually distinguishing characteristic (e.g., a first background color, a first font). The cells corresponding to future television shows and the portions of cells corresponding to portions of current television shows yet to be played are displayed with another visually distinguishing characteristic (e.g., a second background color, a second font).

Lett refers to a subscription television system that includes an electronic programming guide. The electronic programming guide is a grid listing television programs by date, time and channel.

The Examiner contends that Lett discloses all the features of applicants' independent claim 31. However, applicants respectfully submit that Lett at least fails to show displaying portions of the cells corresponding to portions of the current television shows in play with one visually distinguishing characteristic and the cells corresponding to future television shows

and portions of cells corresponding to portions of current television shows yet to be played with another visually distinguishing characteristic, as required by applicants' claim 31.

As described above, Lett refers to an electronic programming guide having a grid listing of television programs by date, time, and channel. FIG. 5 of Lett shows portions of cells corresponding to television shows in play and corresponding to future television shows. However, these different cells are not displayed with different visually distinguishing characteristics.

For example, in FIG. 5 of Lett, only the cell corresponding to the television program "Jake & the Fatman" is displayed with a different visually distinguishing characteristic than the remaining cells. This one cell is visually distinguished by being highlighted by a cursor. The remaining cells, regardless of whether they correspond to television shows in play or future television shows, are displayed with the same visual characteristic. Thus, Lett does not show displaying cells corresponding to portions of the current television shows in play with one visually distinguishing characteristic and displaying the cells corresponding to future television shows and portions of cells corresponding to portions of current television shows yet to be played with another visually distinguishing characteristic.

Accordingly, because Lett fails to show or suggest every limitation of applicants' amended independent claim 31, the rejection of claim 31 over Lett under 35 U.S.C. § 102(e) should be withdrawn.

Dependent claims 33-35 depend from amended independent claim 31. Accordingly, for at least this

reason the rejection of dependent claims 33-35 should also be withdrawn.

Applicants' Reply to the  
Rejection of Claims 36 and 38-40

Claims 36 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lett in view of Marshall.

Claim 38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lett in view of Marshall in further view of Aristides.

Claim 39 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lett in view of Marshall, in view of Aristides, in further view of Hamilton.

These rejections are respectfully traversed.

Applicants' invention, as defined by amended independent claim 36, is directed towards a method of operating a schedule guide system in which a plurality of cells listing a portion of a schedule guide are displayed for viewing as an overlay to a current television show. In the schedule guide, the portions of cells corresponding to portions of current television shows in play are displayed with one visually distinguishing characteristic and the cells corresponding to future television shows and the portions of cells corresponding to portions of current television shows yet to be played are displayed with another visually distinguishing characteristic.

The Examiner contends that Lett discloses all the features of applicants' invention of claim 36 except "overlaying an EPG on a television" (Office Action, page 8). However, as described above, applicants respectfully submit that Lett fails to show displaying portions of the cells corresponding to portions of the current television shows in play with one visually

distinguishing characteristic and the cells corresponding to future television shows and portions of cells corresponding to portions of current television shows yet to be played with another visually distinguishing characteristic, as required by applicants' claim 36.

Further, applicants respectfully submit that Marshall also fails to show this element of applicants' claim 36. In fact, the Examiner had not pointed to any section of Marshall that shows this element of applicants' claim 36.

Accordingly, Lett and Marshall, taken alone or in combination, fail to show at least this element of applicants' claimed invention.

Thus, because Lett and Marshall fail to show or suggest every limitation of applicants' amended independent claim 36, the rejection of claim 36 over Lett in view of Marshall under 35 U.S.C. § 103(a) should be withdrawn.

Claims 38-40 depend from amended independent claim 36. Accordingly, for at least this reason the rejections of dependent claims 38-40 should also be withdrawn.

#### New Claims 41-50

Applicants have added claims 41-50 to more particularly define the invention. No new matter has been added and the new claims are fully supported and justified by the specification.

Claims 41 and 42 depend from amended independent claims 31 and 36, respectively. Claims 43-50 are directed to a system for providing features similar to those of claims 31-42. Accordingly, claims 41-50 are also patentable.

#### Conclusion

For at least the reasons set forth above,  
applicants respectfully submit that this application is  
in  
condition for allowance. Reconsideration and prompt  
allowance of this application are respectfully requested.

Respectfully submitted,

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